

Procedure for Online Complaint and Internal Policy (ICC)

- 1.** Complaint can be filed online by the aggrieved woman.
 - i. If she is physically indisposed to do so, complaint may be filed by –
 - (a) her relative or friend; or
 - (b) her co-worker; or
 - (c) an officer of the National Commission for Women or State Women's Commission; or
 - (d) any person who has knowledge of the incident, with the written consent of the aggrieved woman;
 - ii. If she is unable to make a complaint due to mental incapacity, a complaint may be filed by-
 - (a) her relative of friend; or
 - (b) a special educator; or
 - (c) a qualified psychiatrist or psychologist; or
 - (d) the guardian or authority under whose care she is receiving treatment or care; or
 - (e) any person who has knowledge of the incident jointly with either on of (a) to (d) above.
 - iii. If the aggrieved woman is unable to make a complaint due to any other reason, a complaint may be filed by any person who has knowledge of the incident, with her written consent;
 - iv. the aggrieved woman is dead, a complaint may be filed by any person who has knowledge of the incident, with the written consent of her legal heir.
- 2.** At the time of filing the complaint, the complainant should upload supporting documents and the names and addresses of the witnesses with the complaint.
- 3.** On receipt of the complaint, the Internal Complaints Committee shall send a copy of complaint received from the aggrieved woman to the respondent within a period of seven working days.
- 4.** The respondent shall upload his reply to the complaint along with his list of documents, and names and addresses of witnesses, within a period not exceeding ten working days from the date of receipt of documents.
- 5.** The Internal Complaints Committee shall make inquiry into the complaint in accordance with the principles of natural justice.
- 6.** The Internal Complaints Committee shall have the right to terminate the inquiry proceedings or to give an *ex- parte* decision on the complaint, if the complainant or respondent fails, without sufficient cause, to present herself or himself for three consecutive hearings convened by the Chairperson or Presiding Officer, as the case may be. Such

termination or ex-parte order will be passed after giving a notice, fifteen days in advance, to the party concerned.

7. The parties shall not be allowed to bring in any legal practitioner to represent them in their case at any stage of the proceedings before the Internal Complaints Committee.

8. In conducting the inquiry, a minimum of three Members of the Complaints Committee including the the Chairperson shall be present.

9. The Internal Complaints Committee at the written request of the aggrieved woman may recommend to the employer to-

- (a) restrain the respondent from reporting on the work performance of the aggrieved woman or writing her confidential report, and assign the same to another officer;
- (b) restrain the respondent in case of an educational institution from supervising any academic activity of the aggrieved woman.

10. Where the Internal Complaints Committee arrives at the conclusion that the allegation against the respondent has been proved, it shall recommend to the employer to take any action including a written apology, warning, reprimand or censure, withholding of promotion, withholding of pay rise or increments, terminating the respondent from service or undergoing a counselling session or carrying out community service.

10. Where the Complaints Committee arrives at the conclusion that the allegation against the respondent is malicious or the aggrieved woman or any other person making the complaint has made the complaint knowing it to be/has produced any forged or misleading document, it may recommend to the employer to take action in accordance with the provisions of rules of Prevention of Sexual Harassment (PoSH) Act of 2013.

11. Any person aggrieved from the recommendations made by Internal Complaints Committee or non-implementation of such recommendations may prefer an appeal to the appellate authority notified under clause (a) of section 2 of the Industrial Employment (Standing Orders) Act, 1946 (20 of 1946).

12. If any person contravenes the provisions of section 16 of PoSH Act of 2013, the employer shall recover a sum of five thousand rupees as penalty from such person.

13. The employer shall-

- (a) formulate and widely disseminate this internal policy/charter/resolution/declaration for prohibition, prevention and redressal of sexual harassment at the workplace intended to promote gender sensitive safe spaces and remove underlying factors that contribute towards a hostile work environment against women;
- (b) carry out orientation programmes and seminars for the Members of the Internal Committee ;
- (c) carry out employees awareness programmes and create forum for dialogues which may involve Panchayati Raj Institutions, Gram Sabha, women's groups,

mothers' committee, adolescent groups, urban local bodies and any other body as may be considered necessary;

(d) conduct capacity building and skill building programmes for the Members of the Internal Committee;

(e) declare the names phone numbers and email addresses of all the Members of the Internal Complaints Committee;

(f) use modules developed by the State Government to conduct workshops and awareness programmes for sensitising the employees with the provisions of the Act.

14. The annual report which the Internal Complaints Committee shall report:

(a) number of complaints of sexual harassment received in the year;

(b) number of complaints disposed off during the year;

(c) number of cases pending for more than ninety days;

(d) number of workshops or awareness programme against sexual harassment carried out;

(e) nature of action taken by the employer.